

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABKCO MUSIC, INC., COLGEMS-EMI MUSIC, INC., EMI ALGEE MUSIC CORP., EMI APRIL MUSIC INC., EMI BLACKWOOD MUSIC, INC., EMI CONSORTIUM MUSIC PUBLISHING, INC. d/b/a EMI FULL KEEL MUSIC, EMI CONSORTIUM SONGS, INC. d/b/a EMI LONGITUDE MUSIC, EMI FEIST CATALOG INC., EMI ROBBINS CATALOG INC., EMI UNART CATALOG, INC., JOBETE MUSIC CO., INC., SCREEN-GEMS-EMI MUSIC INC., STONE AGATE MUSIC, STONE DIAMOND MUSIC CORP., RODGERS & HAMMERSTEIN HOLDINGS LLC, PEER INTERNATIONAL CORPORATION, PSO LIMITED, PEERMUSIC LTD., PEERMUSIC III, LTD., SONGS OF PEER, LTD., SPIRIT CATALOG HOLDINGS S.A.R.L., TOWSER TUNES, INC., TOWSER NEWCO LTD., SPIRIT TWO MUSIC, INC., WARNER-TAMERLANE PUBLISHING CORP., and WB MUSIC CORP.,

Plaintiffs-Counterclaim-Defendants,¹

– against –

WILLIAM SAGAN, NORTON LLC, BILL GRAHAM ARCHIVES, LLC d/b/a WOLFGANG'S VAULT, BILL GRAHAM ARCHIVES, LLC d/b/a CONCERT VAULT, BILL GRAHAM ARCHIVES, LLC d/b/a MUSIC VAULT, and BILL GRAHAM ARCHIVES, LLC d/b/a DAYTROTTER,

Defendants-Counterclaim-Plaintiffs.

OPINION AND ORDER

15 Civ. 4025 (ER)

¹ During the course of this litigation, Rodgers & Hammerstein Holdings LLC acquired the musical works that had been controlled by Imagem Music LLC. Plaintiffs therefore request that Rodgers & Hammerstein Holdings LLC be substituted for Imagem Music LLC. The Court grants this request. *See* Fed. R. Civ. P. 25(c) (“if an interest is transferred” the court, on motion, may order “the transferee to be substituted in the action”). Similarly, on March 26, 2018, the Court granted Plaintiffs’ request to join two subsidiaries of Plaintiff Spirit Catalog Holdings S.a.r.l: Towser Tunes, Inc. and Towser Newco Ltd. *See* Fed. R. Civ. P. 17(a)(3). The Clerk of Court is respectfully requested to update the caption as reflected above.

Ramos, D.J.:

Before the Court are the parties' cross motions for summary judgment pursuant to Federal Rule of Civil Procedure 56 on Plaintiffs' claim of copyright infringement and their request to permanently enjoin Defendants from using the recordings at issue. Docs. 161, 191. For the reasons set forth in a companion Opinion, the parties' motions for summary judgment are GRANTED in part and DENIED in part. The Court has provided the companion Opinion to the parties to obtain their views on whether certain materials covered by a joint Confidentiality and Protective Order, Doc. 41, are properly redacted.

The Clerk of the Court is respectfully directed to terminate the motions, Docs. 161, 191, 252.

SO ORDERED.

Dated: March 30, 2018
New York, New York



Edgardo Ramos, U.S.D.J.